IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4313 of 2005

Between:

Mettupally Kamala, w/o Mettupally Vengal Rao,
r/o Plot No.179/3, Flat No.503, Divya Plaza Apartments, Motinagar,
Erragadda, Hyderabad.

..... PETITIONER

AND

Passport Officer, Regional Passport office, Hyderabad at Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or writs, order or direction, directing the respondent herein to accept the application from the petitioner for a fresh passport with correct date of birth on the basis of school record of her daughter, M.Rajitha and issue a fresh passport to the petitioner as per the correct date of birth; award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.N.SRIDHAR REDDY

Counsel for the Respondent: MR.A.RAJASHEKAR REDDY

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel for the Central Government.

It is the case of the petitioner that her actual date of birth is 12.12.1956, but in the passport issued to her by the respondent, her date of birth was wrongly mentioned as 12.12.1966, and that though she represented to the respondent, to alter her date of birth in the passport and issue the fresh one, the respondent is refusing to entertain the application, on the ground that they have no power to make correction of date of birth in the passport. The petitioner, therefore, filed the present writ petition to direct the respondent to entertain her application for correction of date of birth and issue the fresh passport.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct the entries in the passport. However, pursuant to the Judgment of the High Court of Judicature at Bombay, in W.P.No.1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18.04.2001, which are to the following effect:

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA(Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases;

b. Where a competent authority issuing a birth certificate or an

educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same;

c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

As of today, if any request for correction of date of birth in the passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions.

Hence, the writ petition is disposed of directing the respondent to receive the application of the petitioner for correction of date of birth in the passport/issuance of fresh passport, and process the same after verifying the genuineness or otherwise thereof, basing on the documents that the petitioner may file in support of her case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders. There shall be no order as to costs.

11.03.2005

Note:

Issue CC in two days.

(BO)

ksld.

To

1 Passport Officer, Regional Passport office, Hyderabad at Secunderabad.

2 CD copies

*Form-NIC-OGS/WP{**RS**}*